

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

13 Cr. 0930 (JMF)

ERIC BOGLE,

Defendant.
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SENTENCING MEMORANDUM OF
ERIC BOGLE

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Eric Bogle

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Defendant Eric Bogle respectfully submits this Sentencing Memorandum, together with its exhibits, in connection with his sentencing which is scheduled for Thursday, November 21, 2013 at 3:00 p.m. Mr. Bogle pled guilty to fraud in connection with possession and distribution of identification information in violation of 18 U.S.C. §1028(a)(7). He has been in custody since January of this year, first in a Canadian jail and since April 26, 2013, here in New York.

As discussed more fully below, we respectfully submit that the Court, after careful consideration of all of the factors set forth in 18 U.S.C. § 3553, should impose a sentence of time served upon Mr. Bogle. Such a sentence, which should take into account the period of time Mr. Bogle spent in a Canadian jail awaiting his transport to the Southern District, is, we submit, sufficient but not greater than necessary, to accomplish the statutory goals of sentencing. Mr. Bogle's youth, the personal growth he has experienced in the time since his incarceration, his genuine

remorse for his misconduct, strong community support and that he will be held in prison for removal to Canada for an additional period of time at the end of any sentence imposed, weigh in favor of our application for a time served sentence.

The Applicable Guidelines Range:

We have no objection to the information contained in the Presentence Investigation Report ("PSR") prepared by the Department of Probation, including its statement of the advisory Guidelines applicable at bar, level 15. Level 15 at a criminal history category I has a range of suggested incarceration of 18 to 24 months.

The Law on Sentencing

A trilogy of Supreme Court cases has made it clear that while judges must pay homage to the Guidelines, the Guidelines are only advisory. *Gall v. United States*, 128 S. Ct. 586, 594 (2007); *Kimbrough v. United States*, 128 S. Ct. 558 (2007); *United States v. Booker*, 543 U.S. 220 (2005); See also *United States v. Crosby*, 397 F.2d 103 (2d Cir. 2005). In *Gall*, the Supreme Court provided considerable guidance to the post-*Booker* sentencing court. In the district court, "[a]s a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark" in deciding what sentence to impose. 128 S. Ct. at 596. "The Guidelines are not the only consideration, however", the Court added. A district judge "may not presume that the Guidelines range is reasonable," but must "make an

individualized assessment on the facts presented." *Id.* at 596-97 (emphasis added).

Quoting from the Supreme Court's earlier opinion in *Koon v. United States*, 518 U.S. 81, 113 (1996), Justice Stevens in *Gall* wrote that "in the federal judicial tradition[,] . . . the sentencing judge [is] to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." 128 S. Ct. at 598. As articulated by the district court in *United States v. Coughlin*, No. 06 Cr. 20005, 2008 WL 313099, *7 (W.D. Ark. Feb. 1, 2008), on remand after the Supreme Court's decision in *Gall*:

"[B]ased on the unique facts of a particular case, austere adherence to the averages and generalities of the Guidelines can be unjust and contrary to reason. . . . No chart of numbers will ever fully contemplate, quantify and cipher the endless variations of the human experience. While it might provide a normalizing force in sentencing, we cannot, with a system of points and categories, reduce justice to a universal formula."

In making such an individual assessment, the district court must contemplate, in addition to the Guidelines, the factors laid out in 18 U.S.C. §3553(a) *Gall*, 128 S. Ct. at 596. The "overarching" command of § 3553(a) is the Parsimony Clause, which instructs district courts to "impose a sentence sufficient, but not greater than necessary' to accomplish the goals of sentencing."

Kimbrough, 128 S. Ct. at 563 (quoting *Gall*, 128 S. Ct. at 600).

These goals of sentencing as set forth in § 3553(a)(2) are:

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

In applying these sentencing goals to the offense at hand, the Court must consider (1) the nature and circumstances of the offense and the offender's history and characteristics, (2) the sentences available, (3) the sentencing range established in the Sentencing Guidelines, (4) policy statements issued by the Sentencing Commission, (5) the need to avoid unwarranted sentence disparities among similarly situated defendants, and (6) the need to provide restitution to any victims of the offense. 18 U.S.C § 3553 (a)(1), (a)(3)-(7).

A consideration of all of the facts and circumstances in this case should lead the Court to conclude that a sentence of time served, the equivalent sentence of a year and a day in jail, is just and proper here.

The Offense Conduct

The PSR accurately summarizes the background and nature of the federal investigation into so-called "carding forums" that took place in 2010 and fairly describes the contacts and communications that Mr. Bogle engaged in from June through November 2010 -- conduct which ended more than three years ago. In short, Mr. Bogle was one of a large number of individuals who registered for use and then posted on an internet forum set up by the FBI to investigate and arrest those who traded in identification documents and data, typically credit card information that could be used to make purchases of goods and services. Although the PSR does not point it out, in all, Mr. Bogle did not benefit much from his foolish endeavor with the undercover website, receiving at most perhaps \$800 dollars of merchandise during this time. Thus, although the type of conduct he engaged in was plainly criminal and contributed in some way towards a very real threat to the financial security of parties affected, in the end, Mr. Bogle's take on this whole misguided misconduct was rather minimal. We note this not because it excuses Mr. Bogle's misconduct - it does not - but to paint a better picture of what actually transpired in this matter.

Mr. Bogle's Personal History and Characteristics

Eric Bogle is now 24. At the time of his involvement in the offense he was a 21 year old. Notably, Mr. Bogle was not arrested for his involvement in this matter until on or about June 29, 2012, some 20 plus months after his misconduct had ended.

As the PSR details, Mr. Bogle comes from an intact and, from all accounts, supportive and functional family. The oldest of two children, his parents Richard (52) and Kelly (53) have been married for 31 years and provided an upper middle class home environment for Eric and his younger brother, Garrett, 21, in the cities of Medicine Hat and later Red Deer, both located in the western Canadian province of Alberta. His father has worked for many years as an instrument technician; his mother helps to manage a local sporting goods retail store.

Eric attended public schools in Red Deer, Canada and was until about the 10th grade, apparently a solid student. Unfortunately, due to emotional issues which developed during his later adolescence, made all the worse by his increasing experimentation with alcohol and illicit drug use, Eric unwisely dropped out of high school during his senior year. However, as anyone who has had the opportunity to sit and speak for any length of time with Eric quickly learns, notwithstanding this poor decision not to complete his high school education, Mr. Bogle is highly intelligent, articulate and thoughtful. Indeed, as is evident from the letter he penned to Your Honor, he has also grown to be insightful, particularly with regard to the underlying cause of his lack of responsibility in his life for a period of years.

Mr. Bogle has almost always been gainfully employed, having worked in several commercial shipping and warehouse jobs and, most recently, as a machinist-in-training with Ellis Fabrications in Red

Deer. Following local media accounts of his arrest in this matter at the end of June 2012, he was let go by Ellis and months later, surrendered to the Canadian court to be brought back to New York on this matter.

Mr. Bogle met his partner, Tanner Ross, several years ago and the two young men developed a loving relationship ever since. Their union was formalized under Canadian law in June 2012. Looking to start on their life together, Eric and Tanner shared an apartment together in Red Deer for a time but following his arrest last June and after losing his job, both Eric and Tanner moved back in with Eric's parents so as to make ends meet.

Unfortunately, earlier this year, Tanner was diagnosed with acute lymphoblastic leukemia. (See Exhibit A hereto, Report from University of Calgary Medical Center). This news has understandably taken a real toll on Mr. Bogle who anxiously awaits the opportunity to provide loving care and support to his life partner in these most difficult of times.

To the undersigned, and I trust the Court will concur, the most significant element in Mr. Bogle's personal history, and the one that likely informs much of the poor judgment that Mr. Bogle demonstrated earlier in his still young life, was his use and abuse of a number of substances. As the PSR recounts, it was at about age 13 that Mr. Bogle began using marijuana on a regular basis. As described, Mr. Bogle smoked marijuana though most of his teenage years, often five to six times a day. Combined with his heavy and

regular consumption of alcohol during his teenage years, also honestly reported by Mr. Bogle, it is not surprising that Mr. Bogle often found himself in trouble with the law for petty and immature offenses in his hometown beginning at age 17. As his parents inform the Court, for some period of time, Eric Bogle was living on the streets of Red Deer. The PSR also reports that Mr. Bogle was using cocaine, ecstasy and hallucinogens during this time. When a young person drops out of high school and allows themselves to become dependent on drugs and alcohol so as to "deal with problems", as Mr. Bogle explained it to the Probation Officer, police involvement is hardly unexpected. Plainly, despite some efforts at management of his substance abuse problems also alluded to in the PSR, Mr. Bogle could have used far greater therapeutic guidance to steer him back.

As the PSR sets forth, from age 17 through age 20, Mr. Bogle did have a number of criminal cases in the local courts in Red Deer. However, we submit, each and every such case was a direct byproduct of a rebellious teenager involved with regular abuse of drugs and alcohol and who had a great deal of growing up to do. From the time he began seriously to work, in the latter fall of 2010 until his surrender in January of this year, Mr. Bogle had made great strides to turn his life around and to turn it into something better. As noted, he had decent paying employment and was in the process of being trained for an even higher paying position as a machinist when he was let go due to this arrest. None of the

several convictions set forth were for violent conduct, or for more serious offenses. While we recognize that the Court will certainly take into consideration the fact that this case was not Mr. Bogle's first involvement with the criminal justice system, when viewed in the context of Mr. Bogle's youth, immaturity and abuse of drugs and alcohol, the prior foreign convictions should not compel the Court to impose a more severe sentence at bar. The man standing before the Court today is not the same one as the one who stood before those courts as a teenager.

And, as several letters to the Court explain, even through these troubled years, Eric Bogle's innate persona was still there: he was and is known as caring person, a friend who could be counted on to lend his emotional support and encouragement to others. Thankfully, Mr. Bogle has strong support in the community to which he will return which should bode well for his future.

Eric Bogle's father, Richard Bogle, has written to the Court on his son's behalf (Exhibit B hereto). He recounts Eric's descent in his later teenage years and his efforts to turn things around before his arrest herein:

Eric was involved in sports, Scouting and was a good student. His life was that of a normal teenager until the summer between grade 11 and 12. Unfortunately drug and alcohol abuse changed his life for the worse. He left school not completing high school. Eric ultimately left our home. Eric spent several years living with various friends and on the streets. Too (sic) make a long story short Eric eventually hit bottom and returned to our home where he was able to slowly work towards a goal of finding full time employment.

At the time of his arrest in July of 2012 Eric was employed as a laborer/material handler for Ellis Fabrications Inc. His employer was very happy with his work. He had the prospect of an apprenticeship as a Welder or Machinist. He had recently moved out of our home into a rented house and was in a stable relationship. My wife and I felt he was well on his way to leaving his past problems behind and establishing a life for himself.

I am aware that Eric has pled guilty to and been convicted of a series (sic) federal crime. I am asking for the Court's leniency in sentencing. Eric has already suffered significant consequences of his crime and arrest. He has lost his job and the prospect of becoming a Machinist. His future employment prospects in our community have been damaged by media coverage of his arrest. He has been incarcerated in New York and far removed from the support of family and friends in Canada. Not being able to find work after losing his job at Ellis Fabrications has ruined him financially.

I have spoken at length to Eric about the impact of his actions on those closest to him and the whole family. He is remorseful for his crime and its impact on society. I know that he wants to put this behind him so he can return to Canada, look for work and establish a normal life as a member of our community.

Mr. Bogle's mother, Kelly, also has written to Your Honor (Exhibit C hereto). She echoes her husband's sentiment that at the time of his arrest, her son had made much progress in getting his life in order:

As I am sure you can appreciate, I was most upset to find Eric in trouble with the law. At the time of his arrest, he was employed full time as a laborer at a local business, had

moved out of the family home into a place of his own and was establishing a stable relationship with his partner. It seemed to me that he was well on his way to moving past some of the problems that he had experienced earlier in his life.

As his mother, I am asking for the Court's leniency. I hope you will see that Eric is a good person who was just lost on his way to adulthood. I believe he has truly realized that he has to abide by societies rules and that he regrets his past actions.

I hope you will be lenient in his sentencing.

Tanner Ross' grandparents, Frances Michael and George Michael, both retirees and long-time residents of the community, have written to ask for leniency for Mr. Bogle (Exhibit D hereto). The Michaels' write of the good person that they are most pleased is their grandson's partner:

We have known Eric Jon Bogle since the summer of 2009. We met him through our grandson, Tanner DG Ross. He became friends with Eric the year before when he came to visit from Lexington, South Carolina where he, and his sister Jamie, and our daughter were living at the time. Eric was always polite, caring, and respectful toward us. As aging seniors, Eric offered us a helping hand around the yard and home since our grandson, Tanner, was living in the United States, and for obvious reasons, couldn't be here to help us. If we needed anything, we could always call Eric and he would there to help, never asking for anything in return. We of course offered him money for the things he did for us, but he rarely accepted it. There were times when we had to 'force' Eric to take money from us. He has a genuinely good heart. Eric is one of the few young persons we trust to come into our home.

You hear horror stories of young people taking advantage of seniors financially, but Eric never has done anything ill willed towards us. When Tanner moved back to Red Deer, Alberta in September 2011, he and Eric began dating which allowed us to get to know Eric on a more personal level. Eric is a very smart young man, Eric has always been cordial, friendly, and treats our grandson with respect. We have come to know Eric's parents, Kelly and Richard Bogle, who are wonderful people and despite what Eric is being charged with, doesn't have any bearing on how they raised their son. We believe that Eric is fine young man, and raised well.

We were so both proud of how Tanner and Eric were doing in life, and of Eric's work ethic. He was receiving almost quarterly raises while working at Ellis Fabrications in Red Deer. If we still had our company, we would hire him to work for us in heartbeat, and would absolutely recommend him for future employment. George and I are pleading for mercy on Eric when deciding his fate. Your Honour, we respectfully ask that you impose a lenient sentence for him. He's part of our family, and want nothing more than to see him again, and to watch our grandson and him get back on the path that they were on before his arrest.

Another favorable perspective (Exhibit E hereto) comes from Jamie Ross, the 17-year old sister of Tanner Ross. Jamie is a senior in high school in Red Deer, Alberta who plans to attend Alberta University following her graduation. Jamie's letter describes the type of helpful and supportive individual that Eric Bogle has been to her and others:

Tanner Introduced me to Eric in 2009 after they became friends the year before while he and I were visiting Red Deer. He and I instantly connected and have been friends since then. I would visit with Eric when I would fly to Alberta with my brother, Tanner DG Ross, to visit family and friends every year. Eric and I kept in

contact through Facebook and texting. We communicated regularly and if I ever had a problem with school, or with a boy I liked, I would send him a message and he'd give me advice on what to do. If I was having a bad day he would let me to vent to him and his kind words would make me feel much so much better. Since moving back to Canada I have gotten to know Eric even better since he began dating my brother when he moved back to Alberta in September 2011. I was honoured to be here to witness to the signing of their AIA (Adult Interdependent / Common-Law Marriage Agreement) in June 2012. I consider Eric as another brother, and couldn't imagine him not in my life. He makes my brother so happy, and both of our families interact and get along very well.

Eric is one of the most caring and thoughtful people I've had the pleasure of knowing. Over the years I have seen Eric make positive changes and choices in his life. He is very dependable and is always there when you need a hug or someone to talk to. His personality is so welcoming and friendly. Eric always knows how to make a person laugh or feel good about themselves, especially if they without a smile on his face. He is the type of person who will give you the shirt off his back if you are in need. I have never known anyone to be so giving and kind. Eric has become one of my best friends and one of the few people I would trust with my life and can come to with any issue. Eric would do nothing but try to help me with whatever it is I was dealing with or going through. I admire his spirit and love of life. Eric's happy and outgoing personality is contagious and makes everyone around him love life just as much and be as happy as he is. He always makes your day a little bit brighter as soon as you see him...

Eric Bogle's partner, Tanner Ross, 23, works for a non-profit organization for those with developmental disabilities. In his letter to the Court (Exhibit F hereto), Tanner writes about their relationship and of those qualities that attracted him to Eric Bogle:

I have known Eric for five years and became friends first before we began dating on September 11, 2011. I was born in Alberta and a Canadian Citizen, but was living in the United States on a Resident Alien Green Card (at 202 Parkside Road Lexington, South Carolina) with my parents (from June 2001 – August 2011). In 2008, I flew to Alberta, as I did every year since moving, to visit family and that's when I met Eric through a mutual friend of ours. We kept in contact and became best friends over the years. When I would visit Red Deer we would always make time to visit and hangout. We knew we couldn't date exclusively at the time since I lived so far away, but he and I kept in contact through Facebook, text messaging, and phone calls until I moved back to Canada three months after graduating Magna Cum Laude from the University of South Carolina with a Bachelor's Degree in History, and a minor in German, in May of 2011. Within days of moving back to Canada we began a committed relationship with each other. We signed an AIA (Adult Interdependent Agreement), or Common Law Marriage agreement in June 2012, just a few days before the morning he was arrested.

I am well aware that Eric has plead guilty to a very serious federal crime. This does not, however, define who Eric is as a person. As someone who knows Eric on a deep and personal level, I am writing to the court to ask for leniency/mercy when deciding Eric's fate. I believe the nearly ten cumulative months Eric has already served should be sufficient punishment. Eric is the sweetest, kindest, most caring individual I have ever met. He keeps me balanced, and makes me feel better when I'm not doing well emotionally or physically. He's what you'd call, 'my rock'. He is the type that would give the shirt off his back or the last dollar in his pocket to anyone. He has always had the belief that someone out there has it worse than he does. My entire family, although small, (mother, recently deceased father, sister, living grandparents, Aunt, and recently deceased Uncle) adore Eric and were just as devastated by the actions taken against him. He doesn't deserve to sit, wasting his life in a cell. He has so much potential and was climbing the employment ladder

as a Machine Operator at Ellis Fabrications in Red Deer, Alberta before his arrest.

A close friend of Mr. Bogle's, Rachel Francis, who herself has experienced difficulties during her young life, writes the Court on his behalf (Exhibit G hereto). Like others, Ms. Francis describes the kindness and support that Mr. Bogle has offered her:

Eric Bogle has been my close friend for since 2005. I met him at a Christmas party, and since then we have been best friends. I know his family, and he's like family to mine. I ended up introducing Tanner to him, and I'm so happy Tanner moved back to Canada because they make an amazing, strong, committed and loving pair. The three of us will always be best of friends. I have seen Eric grow into a very strong, independent man. He had a full time job at Ellis Fabrications in Red Deer which he enjoyed very much, We were able to, with his partner, save money so we could move into a house together in Red Deer in April 2012. We started to plan our lives; we discussed what we wanted, and where we wanted to live, what we wanted to do. We were starting to make a life for ourselves and we were realizing what we wanted from life.

Eric was thinking of going back to school, finishing his GED and applying to attend a University. He always told us that he has never wanted to go back to school; he never really cared about secondary education until he met us, He was making wise and smart choices for himself. He is the kind of man that when stuff in your life and isn't going right, he is right be ide you to stand with you and help you anyway that he can. He has helped me through so many of my personal problems. He was my main shoulder for me to cry on. Eric was always there for anyone in a heartbeat if I they needed him. Eric helped me with my both of my sisters attempted suicides (he was even there for my sister, Paige Francis, in her time of need and spent countless hours helping her get threw her depression and suicidal tendencies - which saved her life). In another instance, he helped me when I began to permanently take care of my ten year old niece as my sister couldn't do it and needed help

with her emotional issues, I cannot think of a time where he would not invest everything that he has in him to help someone. He helped me with my alcoholism after giving my son up or adoption after he was born. I would binge drink, and get high to numb my pain, and did so until '11 when he found out how bad it really was. Eric made me realize I was worth something and needed to change.

I'm still in recovery and have a long way to go, but I have been sober for over two years. It's hard without him, but through our emails and letters he is still able to help me not turn to drugs or alcohol even though he's in federal prison far way in New York. He has helped me more than he probably knows. He has helped me be able to stand up for myself, opened my eyes to everything that is good in the world. Eric isn't perfect, he does have flaws, however, he was beginning to see that he has so many people in his life that love and care about him. I miss not having Eric in my life.

Rachel Francis' sister, Jess Francis, is also a close friend of Eric Bogle and too has written a letter to the Court (Exhibit H hereto). In her letter, Ms. Francis tells of Mr Bogle's positive nature:

During the past seven years I have gotten to know him very well, and so many words come to my mind that describe the type of person he is. Eric is so kind, generous, trustworthy, caring, smart, hardworking, understanding, and displays a constant concern for others. He's a model friend, and has been there for my family and I for countless times when we needed someone to help get us through some difficult situations. In many ways, I would say he's helped save the lives of my two younger sisters who struggle with major depression and drug/alcohol addiction issues. Eric stepped into my life in full force, and has no once let me down. When I have found myself in countless situations where I had no babysitter for my daughters after school, Eric offered to be there for them when he could, and without pay, for the times when Quentin and I were financially

strapped. Both of my daughters look up to Eric, and have grown to call him Uncle Eric. They both know that he has done something that caused him to have to go to a "big boy" jail. We still keep Eric active in our daily conversations and my girls constantly ask how he is doing, and can't wait for his return, which we all hope will be relatively soon. My relationship with Quentin has endured some troublesome times, and one of the few people I could always count on to be there for me was Eric. I owe him so many thanks and gratitude because I think he has been my saving grace and has helped save Quentin and I's relationship. He was always there to help me, give me direction, advice, and to be there for my daughters in any and all ways necessary...

I regularly communicate with Eric, and he has shown regret, and remorse through what we've discussed about the matter. He only wants to be home again, so he and his partner, Tanner Ross, can continue their lives and we can all be a happy group of friends again, and be there for Tanner to support him through his Leukemia treatment.

Kimber Bedard has been friends with Eric Bogle since their high school days. In his letter (Exhibit I hereto), she recalls the leadership that Eric Bogle displayed as a youth soccer coach, and more generally his caring persona:

Eric and I met while he coached a community soccer team of nine and ten year old boys. I coached the girls. Eric was an enthusiastic leader who always maintained his professionalism, and never displayed favouritism towards anyone. He loved the game, and fairness was important to him so that every boy on his team got a fair chance to play. As with the group I coached, the parents were most of the problem but he helped me keep my temper and showed me ways to calm the parents down so that everyone was pleased or at least understood the outcome of the games. Having fun and participating was Eric's main goal - not necessarily winning every single

game. With patience and an ability to explain and demonstrate strategy clearly, he drew out the very best from these boys, who, in turn, looked up to him. Eric and I were, and are still close friends. He and I went to several parties together, and when Eric was stressed out he would come to me to vent and I'd give him the best advice that I could, and vice versa. . . .

When he met Tanner, it was as if he found the missing puzzle piece to his life. It tears me apart to see a couple who were, and are, meant for each other forcefully torn away from each other for so long. They are so strong together, and are being so strong together through this nightmarish ordeal. I admire the two of them, and only wish my relationship with my husband could be as strong. I will always support Eric through this, and when he is back in Canada. Once he is back I don't have any worries about him breaking the law, and have full faith that he won't see the inside of any court room again.

Another friend of Mr. Bogle's, Brian Cody, has known him for 9 years. Mr. Cody writes (Exhibit J hereto):

Eric is a very smart man. I envied him because he was an auditory learner, where I was much more of a kinesthetic and visual learner and had to write everything down to memorize information. I rarely saw him take any notes in class but he understood and retained the material very well. Come quiz, test or exam time he had no problems regurgitating the information and received good grades on them. I asked him for help with math as it is my weakest subject. He was more than willing to explain and help me with my homework. He helped me study for biology when I needed it, and Eric expressed that the subject really interested him and was his favourite class. He was able to explain things to me much better, and in simpler ways, than our teachers could. Since then, we've remained close friends and regularly hung out together with our

group of friends. We never lost touch after high school....

I was taught to never judge a book by its cover because everyone makes mistakes. Learning and growing from them is what matters.

Eric is such a fun guy to be around, and I miss him so much. All of his friends and family do. It's been very tough on his partner and they need to be reunited again, sooner rather than later. Especially since Tanner is battling Leukemia. I'm sure his treatment and goal of remission would be drastically shortened if he physically had Eric back home. I've known him for almost a decade, so I know him very well and consider him a brother I never got to have.

He is so kind, generous compassionate about life, and expresses sincere concern for others. He'd be there for anyone in a heartbeat if they asked.

Finally, Mr. Bogle himself has written to your Honor to express his heartfelt remorse and shame over his actions. More significantly, however, Mr. Bogle's letter (attached hereto as Exhibit K) hopefully provides the Court with a better understanding of just how far Mr. Bogle has come on his road to redemption.

As he writes:

In this letter I hope to paint a better picture for you, one that explains the steps and choices that bring me before you today. On top of that I will discuss the drastic improvements and changes in my attitude and behavior since the commission of this offense.

It all started when I was 15 years old. Up until then I was a good student and well behaved kid. It started with a little beer here, a little weed there. Over the next year it grew into something worse, I was smoking marijuana all day, everyday, drinking 3 or

more times a week and had tried several other drugs. Soon I gravitated towards the "other", harder drugs, the alcohol and weed becoming last resorts, only used if the other stuff was unavailable. In the summer between the 11th and 12th grades, I was out every night, using hard drugs 3+ times a week, mixed with marijuana and alcohol. When school started, I was expelled 2 months later. My drug use and dependency worsened. I met a new crowd of "friends", ones who pretty much defined the term "wrong crowd". Shortly after, I was arrested for the first time for break and enter. I received probation and simply returned to the same routine, eventually being kicked out of my parents' home. Around the middle of 2008, I had hit rock bottom. I was bouncing around couches, partying 24/7. In early 2009, I had had enough, I moved back in with my parents and cut ties with all my "friends". I finally sobered up long enough to look back and realize how far out of control my life had spiraled, hurting my family and myself in the process. I sought employment and after a couple months, found it. I had that job for about 9 months, bringing me to June 2010. Since I was unemployed and no longer partying, I had tons of spare time that I killed on the internet, learning what I could about computer security, maintenance and customization. On a site dedicated to such things, I stumbled upon "Carder Profit" and me being curious, signed up. I tried my hand at using stolen cards but failed miserably, my total "profit" from my time on the site amounted to \$700-\$800. In November 2010 I once again found employment and ceased my activities on the site. When I first joined the site I saw posts leading me to believe that the credit card companies were the only ones affected by "carding". At that point in late 2010, I wasn't so naive. My poor judgement in partaking in those activities plagued me with guilt, not to mention worry that I would be arrested.

In 2008 I had met a guy named Tanner, we got along great however he was only in Canada for a week on break from college. We kept in touch

and saw each other when whenever possible, until September 2011, when he moved back. We entered a committed relationship and have been together since. We moved in together in early 2012. On July 2nd 2012, my poor choices came back to haunt me, I was arrested by the RCMP pending extradition. I lost my job due to media attention.

Over my incarceration I have had lots of time to reflect on my actions, I deeply regret my selfish, deplorable choices. I could have seriously affected someone's financial well being, for no reason but sheer curiosity and stupidity. I'm ashamed of myself, I was finally doing well in life. I was independent financially, employed and in a happy relationship. Now this case has cost me a good job and strained my family, emotionally and financially. In late July Tanner was diagnosed with cancer, leukemia to be exact. The news was devastating, not being there with him wracks me with guilt and sadness. What makes it even worse is knowing that, if I had made better choices a few years ago, I could be there by his side. All of this has reinforced my conviction and drive to continue down the positive path I was going down since 2011. I plan to pursue a career in the same industry I was in when I got arrested, or maybe try my hand at website design, which would allow me to work from home to take care of Tanner during his fight with cancer.

In closing, I truly regret my actions and involvement in this crime. I swear to carry on a legitimate, wholesome life and to never let drugs or curiosity get the best of me again. I have an amazing family and a loving partner who will help me make the right choices. I have no doubt in my mind that I will be able to lead a productive, crime free life, like I have since this offense. I ask for your leniency, not for myself but for Tanner and my family.

See also the letter of Sheila Ross (attached hereto as Exhibit L)

**The Goals of Sentencing Support
A Time Served Sentence**

As is evident from the letters the Court has received from family and friends of Mr. Bogle, and from the heartfelt letter of Mr. Bogle himself, he has already sustained severe disgrace and shame as a result of his being convicted of a federal felony.

The purposes of incarceration -- to prevent the offender from causing additional harm to others in the future, to deter others from committing similar crimes, to punish the offender and to rehabilitate the defendant -- would all be served by imposition of time served sentence in this case.

First, as noted above, Mr. Bogle committed this crime over the course of a few months in 2010. He was arrested for this crime by Canadian police some 20 months later. Between these two events, it seems clear that Mr. Bogle matured in a measurable way, reduced greatly his abuse of drugs and alcohol, and had not continued to commit further crimes. Mr. Bogle had been gainfully employed, in a committed relationship with a partner he loved, and well on the path to becoming a productive member of society. Thus, with Mr. Bogle in jail now for almost a year, there should be little concern over the need for specific deterrence. Second, that Mr. Bogle has been imprisoned for almost a year, first in Canada and then here in

New York, serves as a stark warning to anyone who might think about engaging even in the smallest of internet-related identity fraud schemes. Simply stated, a sentence of time served, or about a year's prison time, puts the public on notice that even with a lack of much or any actual financial harm, you will go to a U.S. prison, even if you are apprehended in a foreign jurisdiction, if you commit these type of crimes. Moreover, for someone like Mr. Bogle, who is not a hardened criminal notwithstanding his prior brushes with the law in Alberta, serving a substantial amount of time in prison here in New York away from all of his family, friends and contacts, has served as tough punishment indeed. This experience has not been easy for Mr. Bogle, who has had but a single visit here since his incarceration began. And Mr. Bogle will at the end of whatever sentence this Court imposes, be held by Immigration authorities for deportation to Canada. As the Court is well aware, this often results in extended stays in custody above and beyond the time one must serve on their criminal sentence. Finally, while there does appear to be a need for some degree of ongoing attention to treatment and/or counseling for drug and alcohol abuse, there is no reason why such supportive services should and could not be obtained in an outpatient model upon release from custody. Mr. Bogle is a non-violent offender who poses little threat to anyone. Whatever services would be in order can best be provided on the outside.

Under these circumstances, in considering the nature and circumstances of the offense, the history and characteristics of the defendant, the kinds of sentences available, and the need to avoid disparity among defendants with similar records involved in similar misconduct, a sentence of time served is more than sufficient to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendant. 18 U.S.C. §3553(a),

Conclusion

For all of the reasons discussed above, we respectfully request that the Court sentence Mr. Bogle to a term of incarceration of time served.

Dated: New York, New York
November 4, 2013



FREDERICK L. SOSINSKY, ESQ.
Attorney for Eric Bogle
45 Broadway, 30th Floor
New York, New York 10006
(212) 285-2270

EXHIBIT A

[REDACTED]

EXHIBIT B

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

Dear Judge Furman,

My name is Richard Bogle and I am Eric Bogle's father. I have been married to Kelly Bogle, Eric's mother for 31 years. I am been employed by Nova Chemicals as a Maintenance technician for the last 13 years. We currently reside in Red Deer, Alberta and have done so for the past thirteen years.

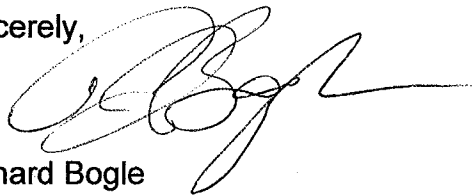
Eric was involved in sports, Scouting and was a good student. His life was that of a normal teenager until the summer between grade 11 and 12. Unfortunately drug and alcohol abuse changed his life for the worse. He left school not completing high school. Eric ultimately left our home. Eric spent several years living with various friends and on the streets. Too make a long story short Eric eventually hit bottom and returned to our home where he was able to slowly work towards a goal of finding full time employment.

At the time of his arrest in July of 2012 Eric was employed as a laborer/material handler for Ellis Fabrications Inc. His employer was very happy with his work. He had the prospect of an apprenticeship as a Welder or Machinist. He had recently moved out of our home into a rented house and was in a stable relationship. My wife and I felt he was well on his way to leaving his past problems behind and establishing a life for himself.

I am aware that Eric has pled guilty to and been convicted of a series federal crime. I am asking for the Court's leniency in sentencing. Eric has already suffered significant consequences of his crime and arrest. He has lost his job and the prospect of becoming a Machinist. His future employment prospects in our community have been damaged by media coverage of his arrest. He has been incarcerated in New York and far removed from the support of family and friends in Canada. Not being able to find work after losing his job at Ellis Fabrications has ruined him financially.

I have spoken at length to Eric about the impact of his actions on those closest to him and the whole family. He is remorseful for his crime and its impact on society. I know that he wants to put this behind him so he can return to Canada, look for work and establish a normal life as a member of our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bogle', with a long horizontal stroke extending to the right.

Richard Bogle

EXHIBIT C

Kelly Bogle

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

Dear Judge Furman,

My name is Kelly Bogle and I am the mother of Eric Bogle. I am married to Richard Bogle, Eric's father and we have one other son as well. We all currently reside in Red Deer, Alberta and have done so for the past thirteen years. I am currently employed at an outdoor retail store in charge of the store purchasing. I have worked there for eleven years. I am quite active in the community as I have volunteered for many positions such as soccer coach, Boy Scouts leader, Girl Guides leader, Cross Country ski coach, canoe and kayak instructor etc.

As I am sure you can appreciate, I was most upset to find Eric in trouble with the law. At the time of his arrest, he was employed full time as a laborer at a local business, had moved out of the family home into a place of his own and was establishing a stable relationship with his partner. It seemed to me that he was well on his way to moving past some of the problems that he had experienced earlier in his life.

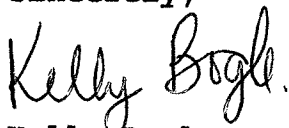
Eric has always been compassionate about animals. He grew up with a dog and 2 cats - one which was his cat as he picked her out at the local SPCA to take home. He always made sure to pay attention to the animals and ensure that they were well taken care of. He also volunteered with the SPCA at some of their fundraising events. He still asks about his animals when we are talking.

I am aware that Eric has pled guilty to and been convicted of a serious federal crime. As his mother, I am asking for the Court's leniency. I hope you will see that Eric is a good person

who was just lost on his way to adulthood. I believe he has truly realized that he has to abide by societies rules and that he regrets his past actions.

I hope you will be lenient in his sentencing.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Bogle". The signature is written in black ink and is positioned above the printed name.

Kelly Bogle

EXHIBIT D

George J. Michael &
Frances B. Michael

The Honourable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Eric Bogle
Docket No. 120930 (JMF)

Dear Judge Jesse Furman,

My name is Frances Bodnar Michael, age 78, and I am writing this letter on behalf of my husband, George John Michael, age 80, and I. George and I have been married for 58 years this coming October. We are the grandparents of Tanner and Jamie Ross. We have resided at ~~1234 Main~~ ~~1234~~ in Red Deer, Alberta for the past 25 years. We are both retired, and have two children. Our daughter, Sheila Dawn Michael Ross, age 48, resides in Red Deer, Alberta and our son, Bradley Michael, age 55, resides in Vancouver, British Columbia with his wife, Huey. George began his career as a mechanic in his younger years, and later went on to work in the oil patch in both the United States and Canada for 22 years before retiring. I worked for the provincial government as a secretary to the Regional Administrator of Alberta Environment for 28 years before retiring at age 55. After our retirement George and I founded our own company registered under the name "746118 Alberta Ltd". We bought and rented centrifuges to United Oil Field until selling and dissolving our company in 2006. I have attached a copy of our business banking statement and GST/HST (Goods and Services Tax/Harmonized Sales Tax) return as our company letterhead is invalid since the company has been sold off and dissolved. We are well known throughout the Red Deer community. I regularly volunteer at local nursing homes teaching the residents how to make floral arrangements and other crafts. George and I both have taken pride in landscaping our property after retiring. For several years we were featured on the local news and paper for the work we have done to our front and backyards, and charter busses would regularly come filled with people so they could tour the landscaping work we had done.

We have known Eric Jon Bogle since the summer of 2009. We met him through our grandson, Tanner DG Ross. He became friends with Eric the year before when he came to visit from Lexington, South Carolina where he, and his sister Jamie, and our daughter were living at the time. Eric was always polite, caring, and respectful toward us. As aging seniors, Eric offered us a helping hand around the yard

and home since our grandson, Tanner, was living in the United States, and for obvious reasons, couldn't be here to help us. If we needed anything, we could always call Eric and he would there to help, never asking for anything in return. We of course offered him money for the things he did for us, but he rarely accepted it. There were times when we had to 'force' Eric to take money from us. He has a genuinely good heart. Eric is one of the few young persons we trust to come into our home. You hear horror stories of young people taking advantage of seniors financially, but Eric never has done anything ill willed towards us. When Tanner moved back to Red Deer, Alberta in September 2011, he and Eric began dating which allowed us to get to know Eric on a more personal level. Eric is a very smart young man, Eric has always been cordial, friendly, and treats our grandson with respect. We have come to know Eric's parents, Kelly and Richard Bogle, who are wonderful people and despite what Eric is being charged with, doesn't have any bearing on how they raised their son. We believe that Eric is fine young man, and raised well.

George and I are aware that Eric has plead guilty to and charged with a serious federal crime. Nevertheless, we both know Eric well enough to support him while he is going through this ordeal. We were deeply saddened by Eric's arrest but realize that he made some doltish mistakes, and they caught up with him. We were prepared to put our house up as collateral or provide the bail funds for him if his parents were unable to do so. We believe that Eric has learned from what he has done. Being so young, he deserves a second chance. I've written him several times and know in my heart that he realizes what he did was wrong and deserved to be punished for it, to an extent.

Eric has spent almost ten months of his life incarcerated and away from his partner, and both families. He's constantly on our minds and we worry about his safety and well-being inside prison. The months he has already served is sufficient punishment in our minds, especially compared to his role versus others involved in 'Operation Card Shop'. We were so both proud of how Tanner and Eric were doing in life, and of Eric's work ethic. He was receiving almost quarterly raises while working at Ellis Fabrications in Red Deer. If we still had our company, we would hire him to work for us in heartbeat, and would absolutely recommend him for future employment. George and I are pleading for mercy on Eric when deciding his fate. Your Honour, we respectfully ask that you impose a lenient sentence for him. He's part of our family, and want nothing more than to see him again, and to watch our grandson and him get back on the path that they were on before his arrest.

Best Regards,

George J. Michael & Frances B. Michael

George J. Michael & Frances B. Michael

EXHIBIT E

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Eric Bogle
Docket No. 120930 (JMF)

Dear Judge Jesse Furman:

My name is Jamie Delainey Ross, and I'm 17 years old. I am the sister of Tanner DG Ross. I have lived at home with my mother, Sheila Ross, located at ~~1200 1st St NW~~ in Red Deer, Alberta since June 2012. Prior to that I lived in the United States with my mother, and recently deceased father on a Permanent Resident Alien Card from June 2001 to June 2012. We resided at 202 Parkside Road in Lexington, South Carolina during those years. I'm currently in grade 12 and attend Notre Dame High School. I work part-time at a retail clothing store for women called "Garage". This is my first job, and I've been with the company since November 2012. After I graduate in June 2014 I plan on attending an Alberta University to pursue a career in the fashion industry.

Tanner introduced me to Eric in 2009 after they became friends the year before while he and I were visiting Red Deer. He and I instantly connected and have been friends since then. I would visit with Eric when I would fly to Alberta with my brother, Tanner DG Ross, to visit family and friends every year. Eric and I kept in contact through Facebook and texting. We communicated regularly and if I ever had a problem with school, or with a boy I liked, I would send him a message and he'd give me advice on what to do. If I was having a bad day he would let me to vent to him and his kind words would make me feel much so much better. Since moving back to Canada I have gotten to know Eric even better since he began dating my brother when he moved back to Alberta in September 2011. I was honoured to be here to witness to the signing of their AIA (Adult Interdependent / Common-Law Marriage Agreement) in June 2012. I consider Eric as another brother, and couldn't imagine him not in my life. He makes my brother so happy, and both of our families interact and get along very well.

Eric is one of the most caring and thoughtful people I've had the pleasure of knowing. Over the years I have seen Eric make positive changes and choices in his life. He is very dependable and is always there when you need a hug or someone to talk to. His personality is so welcoming and friendly. Eric always knows how to make a person laugh or feel good about themselves, especially if they are

without a smile on his face. He is the type of person who will give you the shirt off his back if you are in need. I have never known anyone to be so giving and kind. Eric has become one of my best friends and one of the few people I would trust with my life and can come to with any issue. Eric would do nothing but try to help me with whatever it is I was dealing with or going through. I admire his spirit and love of life. Eric's happy and outgoing personality is contagious and makes everyone around him love life just as much and be as happy as he is. He always makes your day a little bit brighter as soon as you see him.

During the school year I would go over to Eric's on my lunch breaks from school, as Notre Dame is located very close to his home at ~~XXXXXXXXXX~~ in Red Deer. Every time I would go over to his house for lunch he always cooked me something to eat. The food he cooks is amazing and he's very talented at it. I know his parents, Kelly and Richard Bogle very well, and have had been over for dinner on countless occasions. I consider them part of my extended family.

Eric has become such a huge part of my life and my family. When our friends, and family would all get together, Eric always had everyone laughing and having a wonderful time. He was the one taking care of everyone and made sure they had enough to eat/drink and that they were comfortable. Over the past four years I've grown to look up to Eric every much. I was devastated when Eric was arrested and was at Tanner and Eric's home at ~~XXXXXXXXXX~~ in Red Deer the morning the RCMP came in with a search warrant. I am aware that he has plead guilty to a very serious federal crime, and understand the nature of what he did. I still keep in contact with Eric by writing him letters and talk to him on the phone occasionally. It makes my day when I check the mail and see a letter from him. Eric has taught me that it is okay to make mistakes because you can always grow as a person from them and learn by them. Which is why I believe that he has learned from what he did and the consequences that followed his actions. Eric realizes that he needed to be punished for his crime, but the actual role he played in the FBI's "Operation Card Shop" is minor compared to the others caught. He's been incarcerated for nearly ten months and in my opinion should be enough of a punishment. Eric isn't the only one being punished. Both of our families miss him so much and never stop thinking about him, and even though he's far away he is always included in daily conversations. My brother has been severely depressed ever since he's been gone. Eric is like his other half, and Tanner is just not the same without him. He's since been diagnosed with a form of Leukemia and I can't imagine the mental anguish he is going through not having his partner physically there for him, or the way Eric feels being unable to be there due to his circumstances.

I am writing to the US District Court of Southern New York to respectfully ask for mercy, Your Honour, when deciding Eric's fate, and to impose a lenient sentence for him. I have full faith in Eric that he will never see the inside of a courtroom again. He's only 24 and has a life waiting for him

Jamie D. Ross

Eric that he will never see the inside of a courtroom again. He's only 24 and has a life waiting for him here in Alberta. He is so smart and shouldn't be sitting a jail cell when he has so much going for him. Eric is such an extraordinary person, and I can't imagine having not met him. The emotional and financial strain it has put on our families can't be described in words. Once Eric is back home with his my brother they can put this nightmare behind them, move on and we can all be one happy family again.

Best Regards,

Jamie Dehiney Ross

A handwritten signature in dark ink, appearing to read 'Jamie D. Ross', is written over a dark, textured background.

EXHIBIT F

The Honourable Jesse Furman
 United States District Judge
 Southern District of New York
 U.S. Courthouse
 500 Pearl Street
 New York, New York 10007

Re: United States v. Eric Bogle
 Docket No. 120930 (JMF)

Dear Judge Jesse Furman,

My Name is Tanner DG Ross, and I'm 23 years old. I have been living at the home of Kelly & Richard Bogle (parents of Eric Jon Bogle) located at ~~6722 22nd Avenue NW~~ Red Deer, Alberta since August 2012. They graciously allowed me to live there after Eric's arrest as I could not afford the rent payments on just my income alone. Eric and I were previously residing together at ~~4105 13th Avenue NW~~ in Red Deer, Alberta from February 2012 to August 2012. I am currently employed at Cosmos Group of Companies, which is a not for profit society. I have been employed with them since September 4th, 2011. My position is within the COP (Community Options Program) as a Community Support Worker (CSW). I love my job and the work I do for our growing community. I help persons with pervasive developmental disabilities/disorders to become integrated into society and advocate for their social acceptance and equality among the rest of our population. I help my clients build and improve on basic skills so that they can attain employment, volunteer, and work towards living more independently. In March 2012, I successfully completed an Alberta Health Services course (through Cosmos Group of Companies) on Addiction Counseling and Recovery to begin working with our youth clientele at Cosmos. The program helps youth at risk abstain from illicit/illegal drugs & alcohol use, and provides them with emotional support they may not be getting at home. My clients attend regular counseling with me, and we work together to help find alternative ways to help them cope with their emotions instead of using illegal substances. I also volunteer on the board of directors at the Lending Cupboard Society of Alberta (the Lending Cupboard provide free medical equipment to those that cannot afford it or do not have extended health coverage), and sit on the board of directors at the Central Alberta Brain Injury Society (CABIS). I have been volunteering with both societies since November, 2011.

Eric would often come and have lunch with me at work on his days off, and visit with me and my clients. They loved him, and often referred to him as a "Giant Teddy Bear" due to his caring and compassionate nature, which I believe is one of his best traits. He may be 6'4 and muscular but he wouldn't hurt a fly. Since his arrest he has done nothing but follow everything asked of him by the United States (and Canada) as well as giving his full cooperation since day one. While Eric was out on bail, before he was required to turn himself into the Edmonton Remand Centre, he complied fully with all of his conditions and he and I both went to his weekly check-in appointments with his parole/bail officer.

I have been forced to take a Medical Leave of Absence (MLA) from Cosmos as of September

1st, 2013 as I was diagnosed with ALL (Acute Lymphoblastic Leukemia) at the end of July 2013 and undergoing a bone marrow biopsy in June. I recently began undergoing chemotherapy and other drug therapies in hopes of going into remission. It's difficult enough staying and thinking positively as it is dealing with an illness that could potentially turn terminal. Not having the person who I want to spend the rest of my life with with me for emotional support tears at my heart and makes dealing with my cancer that much worse. The thought of my illness turning terminal and not having Eric by my side, terrifies the hell out of me. I don't want to die alone without my partner by my side, God forbid that should happen. Eric is the type who would never forgive himself for not being there even though there would not be anything he nor I could do about it. Without Eric being here for me medically, it puts an inconvenience and strain on others for me to have to depend on them to take me to medical appointments or be there to monitor me while enduring the draining and violently ill side effects chemotherapy.

I have known Eric for five years and became friends first before we began dating on September 11, 2011. I was born in Alberta and a Canadian Citizen, but was living in the United States on a Resident Alien Green Card (at 202 Parkside Road Lexington, South Carolina) with my parents (from June 2001 – August 2011). In 2008, I flew to Alberta, as I did every year since moving, to visit family and that's when I met Eric through a mutual friend of ours. We kept in contact and became best friends over the years. When I would visit Red Deer we would always make time to visit and hangout. We knew we couldn't date exclusively at the time since I lived so far away, but he and I kept in contact through Facebook, text messaging, and phone calls until I moved back to Canada three months after graduating Magna Cum Laude from the University of South Carolina with a Bachelor's Degree in History, and a minor in German, in May of 2011.

Within days of moving back to Canada we began a committed relationship with each other. We signed an AIA (Adult Interdependent Agreement), or Common Law Marriage agreement in June 2012, just a few days before the morning he was arrested. The day he was arrested (July 2, 2012) was the worst day of my life. Canadian RCMP officials acting on behalf of the FBI, barged into my home with a search warrant at 8:00a.m. Most of my personal identification documents, and electronics containing invaluable personal documents, etc were seized. An RCMP ripped Eric out of our bed with barely an explanation. I was not even able to say goodbye to him. That experience left me with a depression that will only be remedied when I have him home with me again. I was traumatized by the situation and nearly had a nervous breakdown. I have been attending regular counseling sessions ever since. My family physician, Dr. Johannes Badenhorst, prescribes me several different prescription tranquilizers, anxiolytics, and antidepressant medications just so I can make it through a day of work without worrying about the safety of Eric, or when he will be back. He is nearly 3,000 miles away from me and have only been able to afford to go visit him once for just an one hour since he has been in New York, as this has put a huge financial strain on myself and both of our families.

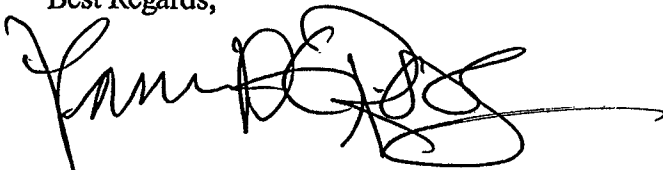
I am well aware that Eric has plead guilty to a very serious federal crime. This does not, however, define who Eric is as a person. As someone who knows Eric on a deep and personal level, I am writing to the court to ask for leniency/mercy when deciding Eric's fate. I believe the nearly ten cumulative months Eric has already served should be sufficient punishment. Eric is the sweetest, kindest,

most caring individual I have ever met. He keeps me balanced, and makes me feel like I'm doing well emotionally or physically. He's what you'd call, 'my rock'. He is the type that would give the shirt off his back or the last dollar in his pocket to anyone. He has always had the belief that someone out there has it worse than he does. My entire family, although small, (mother, recently deceased father, sister, living grandparents, Aunt, and recently deceased Uncle) adore Eric and were just as devastated by the actions taken against him. He doesn't deserve to sit, wasting his life in a cell. He has so much potential and was climbing the employment ladder as a Machine Operator at Ellis Fabrications in Red Deer, Alberta before his arrest.

The sheer amount of money the United States has spent on Eric's case is a waste, in my opinion when he was such a small snippet in the overall FBI sting regarding "Operation Card Shop". I need him to be there for me during my cancer treatment. I need the love of my life back, and so does his family. Each day that Eric is gone, is another day in hell for us. I firmly believe that in the nearly 10 months Eric has been incarcerated, he has learned his lesson, and understands that he did need to be punished for what he did. He deserves a second chance. He's still so young, only 24 years old, with a full life ahead of him. He has family and friends who love and miss him dearly. He's not a murderer, he's not a rapist, and is certainly no danger to society. Prisons are overcrowded as it is, and it's becoming a major problem in the US. Yes, Eric made some stupid decisions, but that shouldn't cost him years of his life.

Based on what I have written regarding the character of Eric Bogle, I respectfully ask of you, Your Honour, to impose a lenient sentence for him. Eric and I communicate daily via Corrlinks email, and only get 15 minutes per day, and a maximum of 300 minutes per month to talk over the phone. Neither of those are the same as having him back in Alberta. While it does help, and is better than nothing, it's not the same as having him at home. It's rare to find someone who treats you with respect, and wants the same things in life as you do. I vowed to stay by Eric's side when this ordeal began, and fully intend to continue to do so. All Eric and I want is to move on with our lives, put this behind us, and live happy, healthy lives, and continue to being honest, productive members of society.

Best Regards,

A handwritten signature in black ink, appearing to read "Tanner DG Ross", with a long, sweeping horizontal line extending to the right.

Tanner DG Ross, B.A.

EXHIBIT G

Rachel A. Francis

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

October 1st, 2013

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

My name is Rachel Francis; I'm 23 years old and reside in Red Deer, Alberta at ~~██████████~~. I have been employed with a non-profit agency for the past two years called CARS (Central Alberta Residential Society). I work with persons with disabilities and help rehabilitate those afflicted and/or born with a pervasive developmental disease. I am single, and have one child, who I gave up for an open adoption at the age of fifteen.

Eric Bogle has been my close friend for since 2005. I met him at a Christmas party, and since then we have been best friends. I know his family, and he's like family to mine. I ended up introducing Tanner to him, and I'm so happy Tanner moved back to Canada because they make an amazing, strong, committed and loving pair. The three of us will always be best of friends. I have seen Eric grow into a very strong, independent man. He had a full time job at Ellis Fabrications in Red Deer which he enjoyed very much. We were able to, with his partner, save money so we could move into a house together in Red Deer in April 2012. We started to plan our lives; we discussed what we wanted, and where we wanted to live, what we wanted to do. We were starting to make a life for ourselves and we were realizing what we wanted from life.

Eric was thinking of going back to school, finishing his GED and applying to attend a University. He always told us that he has never wanted to go back to school; he never really cared about secondary education until he met us. He was making wise and smart choices for himself. He is the kind of man that when stuff in your life and isn't going right, he is right beside you to stand with you and help you anyway that he can. He has helped me through so many of my personal problems. He was my main shoulder for me to cry on. Eric was always there for anyone in a heartbeat if I they needed him. Eric helped me with my both of my sisters attempted suicides (he was even there for my sister, Paige Francis, in her time of need and spent countless hours helping her get threw her depression and suicidal tendencies - which saved her life). In another instance, he helped me when I began to permanently take care of my ten year old niece as my sister couldn't do it and needed help with her emotional issues. I cannot think of a time where he would not invest everything that he has in him to help someone. He helped me with my alcoholism after giving my son up for adoption after he was born. I would binge drink, and get high to numb my pain, and did so until 2011 when he found out how bad it really was. Eric made me realize I was worth something and needed to change.

I'm still in recovery and have a long way to go, but I have been sober for over two years. It's hard without him, but through our emails and letters he is still able to help me not turn to drugs or alcohol even though he's in federal prison far way in New York. He has helped me more than he probably knows. He has helped me be able to stand up for myself, opened my eyes to everything that is good in the world. Eric isn't perfect, he does have flaws, however, he was beginning to see that he has so many people in his life that love and care about him. I miss not having Eric in my life. I am well aware that Eric has pled guilty and has been convicted of a serious federal crime nevertheless, as someone who knows him on a very personal level, I am asking you, your Honour, from the bottom of

Rachel A. Francis

my heart that the Court's impose leniency/mercy when in deciding Eric's sentence/fate. Eric is one of the most amazing people I've ever met and although he made mistake he doesn't deserve to be where he is. I love Eric with all my heart.

I will always stand beside him and will always be here to support and be there for him like he has been for me for many years. He has been incarcerated for nearly a year already, and while he agrees he needed to be punished for the crime committed, he's served enough time. It's been hard on me, and his partner who is battling Leukemia, and all of his family. I have full faith in Eric that he has learned from this and will never see a court room, judge, or officer of the law again.

Best Regards,


Rachel Francis

EXHIBIT H

Jessica Francis

F

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

October 3rd, 2013

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

My name is Jess Jessica Francis, I am 30 years old, and have been employed with FLASH couriers for the past five years. I deliver oil field and electrical field service goods for a local courier service. I love my job, and it helps support my blended family of which I have two daughters, Maggie (age 7) and Samantha Hales (age 11), and my long time fiance' of nearly four years, Quentin Palanchyka, who works away six months out of the year for a well known oil field company, called Haliburton. We have lived at [REDACTED] in Red Deer, for the past four years.

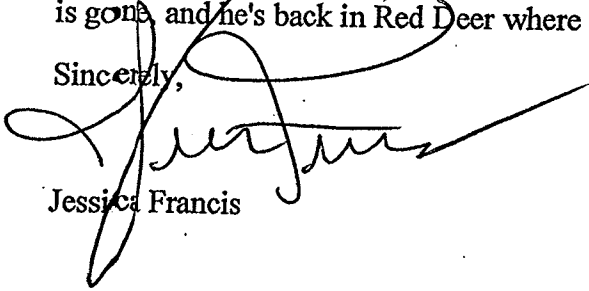
I've known Eric Bogle since the spring of 2006, and was introduced to him through my sister, Rachel Francis. During the past seven years I have gotten to know him very well, and so many words come to my mind that describe the type of person he is. Eric is so kind, generous, trustworthy, caring, smart, hardworking, understanding, and displays a constant concern for others. He's a model friend, and has been there for my family and I for countless times when we needed someone to help get us through some difficult situations. In many ways, I would say he's helped save the lives of my two younger sisters who struggle with major depression and drug/alcohol addiction issues. Eric stepped into my life in full force, and has not once let me down. When I have found myself in countless situations where I had no babysitter for my daughters after school, Eric offered to be there for them when he could, and without pay, for the times when Quentin and I were financially strapped. Both of my daughters look up to Eric, and have grown to call him Uncle Eric. They both know that he has done something that caused him to have to go to a "big boy" jail. We still keep Eric active in our daily conversations and my girls constantly ask how he is doing, and can't wait for his return, which we all hope will be relatively soon. My relationship with Quentin has endured some troublesome times, and is one of the few people I could always count on to be there for me was Eric. I owe him so many thanks and gratitude because I think he has been my saving grace and has helped save Quentin and I's relationship. Eric was always there to help me, give me direction, advice, and to be there for my daughters in any and all ways necessary.

I know quite a bit about the crime Eric committed, and came as quite a shock to me when he was arrested because it seemed completely out of character for him. He was there for me during my hardships, and I will stand by him without a doubt during this ordeal because I believe its something he fully regrets and will never do again, or ever be caught on the wrong side of the law again. I am writing this letter to ask the courts for leniency and mercy on Eric when deciding his final sentence. I regularly communicate with Eric, and he has shown regret, and remorse through what we've discussed about the matter. He only wants to be home again, so he and his partner, Tanner Ross, can continue their lives and we can all be a happy group of friends again, and be there for Tanner to support him through his Leukemia treatment. I am well aware that he has pled guilty to a very serious federal crime, however, in the time I have known him he has shown me nothing but being an outstanding human being. He's been gone for nearly a year, and in my opinion, should be enough punishment for him. I trust Eric with my life, and the lives of my daughters. He isn't someone who deserves to continue wasting his days in prison when his days can be put to becoming a productive member of society again. I have full faith in him that he will do so, and will be there to support him in doing so when he is released. Thank you for taking the time to consider what I have written, and to not judge Eric solely based on the crime itself, which knowing

Jessica Francis

what I know he has only had a very small part of in relation to the big picture. We all need him back in our lives. Not one day goes by that I don't think of him, and all of our lives will feel complete again once that void is gone, and he's back in Red Deer where he belongs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Francis', with a long, sweeping horizontal line extending to the right.

Jessica Francis

EXHIBIT I

Kimber Bedard

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

October 1st, 2013

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

My name is Kimber Bedard, I am 24 years old, and currently reside at ~~6666666666~~ in Red Deer Alberta. I work as a stay at home mom, and have done so since the birth of my daughter in 2001. My husband, Eric Bedard, works as a driller in the oil field sector, and is our primary source of income.

I've known Eric Bogle since meeting him in the fall of 2005 at Hunting Hills High School. Eric and I met while he coached a community soccer team of nine and ten year old boys. I coached the girls. Eric was an enthusiastic leader who always maintained his professionalism, and never displayed favouritism towards anyone. He loved the game, and fairness was important to him so that every boy on his team got a fair chance to play. As with the group I coached, the parents were most of the problem but he helped me keep my temper and showed me ways to calm the parents down so that everyone was pleased or at least understood the outcome of the games. Having fun and participating was Eric's main goal – not necessarily winning every single game. With patience and an ability to explain and demonstrate strategy clearly, he drew out the very best from these boys, who, in turn, looked up to him. Eric and I were, and are still close friends. He and I went to several parties together, and when Eric was stressed out he would come to me to vent and I'd give him the best advice that I could, and vice versa. He's a stand up guy, and it came as a shock to me when his partner, Tanner Ross, called and told me what happened to Eric when he was arrested in the summer of 2012. My heart breaks for him because each day he spends in prison, is one less day that he could be back home making a life himself and becoming a great, honest, and productive member of society. Which he was doing prior to his incarceration. He loved his job, where he worked as a water jet operator, at Ellis Fabrications in Red Deer, which cut steel using a computer based system. He was so proud of himself because of the praises he was receiving at work from his boss, as well as the regular raises he was also receiving. When he met Tanner, it was as if he found the missing puzzle piece to his life. It tears me apart to see a couple who were, and are, meant for each other forcefully torn away from each other for so long. They are so strong together, and are being so strong together through this nightmarish ordeal. I admire the two of them, and only wish my relationship with my husband could be as strong. I will always support Eric through this, and when he is back in Canada. Once he is back I don't have any worries about him breaking the law, and have full faith that he won't see the inside of any court room again.

I know Eric to be dependable, responsible, honest and courteous. I understand, and I'm well aware that Eric has committed and pled guilty to a very serious and federal crime, however, having kept in contact with Eric over the past eight or so years, he doesn't deserve to waste his life sitting in a cell everyday when there are dangerous people in our society who deserve to do just that. I am writing to you, your honour, to respectfully ask the courts of the United States to impose leniency/mercy on Eric when deciding his sentence. Please don't judge Eric based on this crime. So many people love him, miss him, and are hurting for every day that he is gone. I know his family, and I am also friends with his, Partner Tanner Ross, who is battling Leukemia who I believe is suffering the most from the loss of Eric. Thank you for taking the time to consider my letter as part of your decision for Eric's sentence.

Kimber Bedard

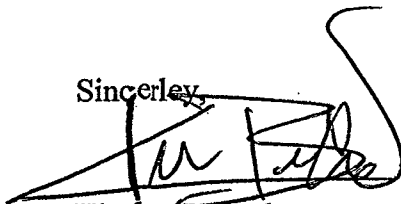
Sincerely,

Kimber Bedard

EXHIBIT J

Brian T. Cody

The Honorable Jesse Furman
United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

October 2nd, 2013

Re: United States v. Eric Bogle
Docket No. 12-0930 (JMF)

Dear Judge Furman,

My name is Brian Triff Cody, and I reside in Red Deer, Alberta at ~~REDACTED ADDRESS~~. I am 24 years old, and graduated in the top 15% of my graduating class at Hunting Hills High School in Red Deer. I work as a senior sales consultant for Culligan Canada, a water filtration company. I have been employed with them for the past 4 years. I am responsible for providing presales technical / functional support to prospective clients and customers while ensuring customer satisfaction with minimal supervision. I maintain, develop, and deliver modern, high quality standard water filtration presentations and demonstrations. I manage a group of four employees who present and articulate our advanced filtration features, benefits, the future of the water filtration techniques. I am also in charge of maintaining our APTORA software which automates our advanced filtration controls and generates monthly/quarterly reporting, and usage statistics.

Eric Bogle and I have known each other for close to nine years. We became friends during grade nine in the spring of 2004 where we had math and science class together. Eric is a very smart man. I envied him because he was an auditory learner, where I was much more of a kinesthetic and visual learner and had to write everything down to memorize information. I rarely saw him take any notes in class but he understood and retained the material very well. Come quiz, test or exam time he had no problems regurgitating the information and received good grades on them. I asked him for help with math as it is my weakest subject. He was more than willing to explain and help me with my homework. He helped me study for biology when I needed it, and Eric expressed that the subject really interested him and was his favourite class. He was able to explain things to me much better, and in simpler ways, than our teachers could. Since then, we've remained close friends and regularly hung out together with our group of friends. We never lost touch after high school. I started my career and have to be out of town quite often on the east coast of Canada, but when I'm in town we always get together. I was stunned to hear and very saddened to find out from his partner Tanner Ross last summer, who I am also good friends with, that he got arrested and was facing extradition to the United States. Even after hearing and reading more details about his case, I still don't understand why such drastic measures were taken against Eric when in my personal opinion, didn't seem to be a major player in the online FBI sting. I am aware that he has pled guilty to a serious federal crime, however, it certainly does not define who Eric is a person. I was taught to never judge a book by its cover because everyone makes mistakes. Learning and growing from them is what matters. I have written to Eric several times and visited him at the Edmonton Remand Centre, often with Tanner, while he was still in Canada awaiting extradition.

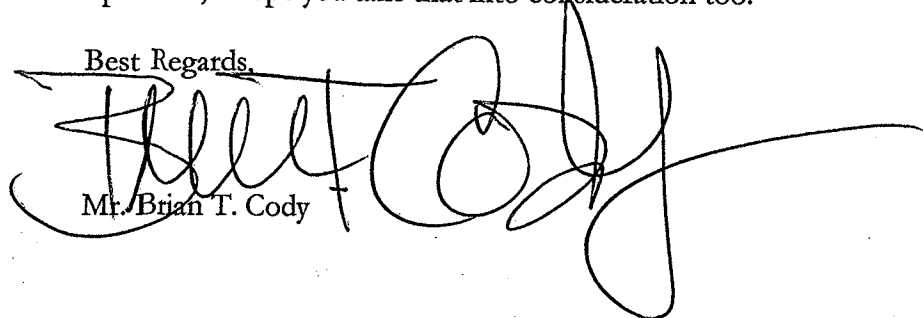
Eric is such a fun guy to be around, and I miss him so much. All of his friends and family do. It's been very tough on his partner and they need to be reunited again, sooner rather than later. Especially since Tanner is battling Leukemia. I'm sure his treatment and goal of remission would be drastically shortened if he physically had Eric back home. I've known him for almost a decade, so I know him very well and consider him a brother I never got to have.

He is so kind, generous, compassionate about life, and expresses sincere concern for others. He'd be there for anyone in a heartbeat if they asked. I would like to respectfully ask of you, your Honor, that when you decide Eric's final sentence, you impose something lenient and have mercy on him. A prison isn't where he belongs, and

Brian T. Cody

I'm sure that the money spent on incarcerating Eric could be better spent on someone dangerous to society, and the US prisons are overcrowded as it is from what I've been reading on the news lately. I know that Eric has learned from these mistakes because it's affected so many people, and not just him. He's told me that multiple times in the letters I have received from him. In my mind, the time he's spent incarcerated should be enough, although it's not up to me, I hope you take that into consideration too.

Best Regards,

A large, stylized handwritten signature in black ink, appearing to read 'Brian Cody', with a long horizontal flourish extending to the right.

Mr. Brian T. Cody

EXHIBIT K

Your Honor;

In this letter I hope to paint a better picture for you, one that explains the steps and choices that bring me before you today. On top of that I will discuss the drastic improvements and changes in my attitude and behavior since the commission of this offense.

It all started when I was 15 years old. Up until then I was a good student and a well behaved kid. It started with a little beer here, a little weed there. Over the next year it grew into something worse, I was smoking marijuana all day, everyday, drinking 3 or more times a week and had tried several other drugs. Soon I gravitated towards the "other", harder drugs, the alcohol and weed becoming last resorts, only used if the other stuff was unavailable. In the summer between the 11 and 12 grades, I was out every night, using hard drugs 3+ times a week, mixed with marijuana and alcohol. When school started, I skipped every day and was expelled 2 months later. My drug use and dependency worsened. I met a new crowd of "friends", ones who pretty much defined the term "wrong crowd". Shortly after I was arrested the first time for break and enter. I received probation and simply returned to the same routine, eventually even being kicked out of my parents home. Around the middle of 2008, I had hit rock bottom. I was bouncing around condos, partying 24/7. In early 2009 I had had enough, I moved back in with my parents and cut ties with all of my "friends". ~~In the fall of that year~~

I finally sobered up long enough to look back and realize how far out of control my life had spiraled, hurting my family and myself in the process. I sought employment and after a couple months, found it. I had that job for about 9 months, bringing me to June 2010. Since I was unemployed and no longer partying, I had tons of spare time that I killed on the internet, learning what I could about computer security, maintenance and customization. On a site dedicated to such things, I stumbled upon "Carder Profit" and me being curious, signed up. I tried my hand at using stolen cards but failed miserably, my total "profit" from my time on the site amounted to \$700-900. In November 2010 I once again found employment and ceased my activities on the site. When I first joined the site I saw posts leading me to believe that the credit card companies were the only ones affected by "carding". At that point in late 2010, I wasn't so naive. My poor judgement in partaking in those activities plagued me with guilt, not to mention worry that I would be arrested. In 2008 I had met a guy named Tanner, we got along great however he was only in Canada for a week on a break from college. We kept in ~~touch~~ touch and saw each other whenever possible, until September 2011, when he moved back. We ~~then~~ entered a committed relationship and have been together since. We moved in together in early 2012. On July 2nd 2012, my poor choices came back to haunt me, I was arrested by the RCMP pending extradition. I lost my job due to media attention. Over my incarceration I have had lots of time to reflect on my actions, I deeply regret my selfish, deplorable choices. I could have seriously

effected someones financial wellbeing, for no reason but sheer curiosity and stupidity. I'm ashamed of myself, I was finally doing well in life. I was independent financially, employed and in a happy relationship. Now this case has ~~cost~~ cost me a good job and strained my family, emotionally and financially. In late July, Tanner was diagnosed with cancer, leukemia to be exact. The news was devastating, not being there with him wracks me with guilt and sadness. What makes it even worse is knowing that, if I had made better choices a few years ago, I could be there by his side. All of this has reinforced my conviction and drive to continue on the positive path I was going down since 2011. I plan to pursue a career in the same industry I was in when I got arrested, or maybe try my hand at website design, which would allow me to work from home to take care of Tanner during his fight with cancer.

In closing, I truly regret my actions and involvement in this crime. I swear to carry on a legitimate, wholesome life and to never let drugs or my curiosity get the best of me again. I have an amazing family and a loving partner who will help me make the right choices. I have no doubt in my mind that I will be able to lead a productive, crime free life, like I have since this offense. I ~~hope you honor~~ ask for your leniency, not for myself but for Tanner and my family.

Eric Boole

Eric Boole

EXHIBIT L

Rea

United States District Judge
Southern District of New York
U.S. Courthouse
500 Pearl street
New York, New York 10007

Re: United States v. Eric Bogle
Docket No. 120930 (JMF)

My name is Sheila Dawn Ross, age 48, and reside at ~~1000 Pearl Street~~ Red Deer, Alberta with my seventeen year old daughter Jamie Ross. My son, Tanner Ross, is in an active adult interdependent relationship (common-law marriage) with the incarcerated Eric Jon Bogle. My daughter and I have lived at the above residence since June 2012, prior to that we lived in Lexington South Carolina with my deceased ex-husband from June 2001 until moving back to our hometown in Red Deer. I have been employed as a service writer specialist at an RV dealership, called "Uncle Ben's" since September 2012. In South Carolina I was mainly a homemaker

Tanner first introduced me to Eric in 2009 while visiting friends and family in Red Deer. He is one of the sweetest and respectful young men that I have met, and was a positive influence for Tanner. I always found it disheartening that they lived so far away from each other. They kept in contact through social networking sites, and developed a solid friendship. When I would travel, usually twice a year, Eric would make time to visit with me at least once. When Tanner decided to move back to Alberta in September 2011 they began a committed relationship almost immediately. I was overjoyed to be a witness to the signing of their common-law marriage agreement. I consider Eric as one of my own, and couldn't be happier that my son found someone like him.

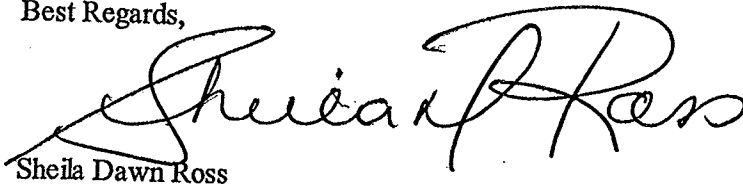
My daughter and I had only been in Red Deer for three days before Eric's arrest on July 2, 2012. We had originally planned on staying with them at the house they were renting until our home was ready to move into August, but my son could not afford the rent on his income alone, thus was forced to break the lease. He moved into Eric's parents (Richard & Kelly Bogle) home and we had to make alternate living arrangements. The arrest came as huge shock to me, but my first thought was to support him and my son through this ordeal. I regularly communicate with Eric via email, send him pictures, and pray that he comes home soon. I understand that he has plead guilty to a very serious federal crime, and while I don't agree with some of the actions taken against him due to his relatively minor role in the operation lead by the United States FBI, Eric made some decisions when he was younger that I honestly feel he regrets what he took part of, and has come to realize that if you break the law, it will catch up to you. Once he is home in Canada again I foresee, and have complete faith in him, that he will get back on track in life with Tanner as they were well on their way in doing so before this transpired. Eric can put all of this behind him, and begin leading a positive, honest, productive and happy life, and will never again be caught on the wrong side of the law.

Your Honour, I am pleading that you impose leniency/mercy on Eric when you decide his sentence, and keep in mind the length of time Eric has already spent incarcerated both in Canada and in the New York. His family is waiting for his safe return, and , he has a big support system here. Thank you for your time, and consideration regarding this manner

Sheila D. Ross

Re
± (1,

Best Regards,

A handwritten signature in cursive script, reading "Sheila Dawn Ross". The signature is written in black ink and is positioned above the printed name.

Sheila Dawn Ross

Date: